IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

CRL.A.No. 605 of 1999(C)

CC.593/1999 DTD. 01/07/99of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O), ERNAKULAM.

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APPELLANT/COMPLAINANT:

REGI MATHEW,
S/O. E.P. MATHACHAN,
ARUKAKKEL HOUSE,
CHOTANIKKARA,
NOW RESIDING AT
`SIVASAKTHI',
JANATHA ROAD,
VYTTILA, ERNAKULAM.

BY ADV. SRI.T.KURIAKOSE PETER,
SRI.ABRAHAM P.GEORGE.

RESPONDENT/ACCUSED:

T.J. GEORGE,
C/O. THUNDATHIL HOUSE,
PACHALAM.P.O.,
T-SQUARE ROAD,
KOCHI-12,
WORKING AT L.I.C. OF INDIA,
ERNAKULAM.

BY

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Crl. Appeal No.605 of 1999

Dated this the 14th day of February, 2007

Judgment

This appeal is filed against an order of acquittal in a complaint under section 138 of the Negotiable Instruments Act. Notice was ordered as early as on 9.9.1999. First notice issued in 1999 was returned as no such addressee is available. Without service of notice to the accused, an order of acquittal cannot be interfered with. No effective steps are taken to cure the defect so far. Acquittal of the accused for the absence of the complainant under section 256 (1) of the Code of Criminal Procedure cannot be termed as illegal. Hence, appeal is dismissed.

J.B. KOSHY
(JUDGE)

vaa

J.B.Koshy J.

Crl. A. No.605 of 1999

Judgment

14-2-2007